

State law; the judges are weak enough to decide according to the views of their legislature. An appeal to a Federal court sets all to rights. It will be said that this court may encroach on the jurisdiction of the State courts. It may. But there will be a power, towit, Congress, to watch and restrain them. But place the same authority in Congress itself, and there will be no power above them to perform the same office. They will restrain within due bounds a jurisdiction exercised by others more rigorously than if exercised by themselves. (To James Madison, written from Paris, 1787. F. IV., 391.)

CONQUEST.—It is an established principle that conquest gives inchoate right, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment by the former proprietor. (From a Report on the Negotiation with Spain, 1792. F. V., 463.)

CONSOLIDATION.—This will contain matters not intended for the public eye. I see as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers foreign and domestic; and that too by constructions which, if legitimate, have no limits to their power. Take together the decisions of the Federal court, the decision of the President and the misconstructions of the Constitutional compact acted on by the legislators of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them and to exercise themselves all functions, foreign and domestic. Under the power to* regulate commerce they assume indefinitely that also* over agriculture and manufacture and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post-roads they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare;" a right to do not only the acts